135-137 Bedford Avenue Rezoning
135-137 Bedford Avenue, Brooklyn
July 30, 2020

1. Introduction

Dawn Kiernan (the "Applicant") and NRL URF LLC (the "Co-Applicant") propose a zoning map amendment to map a C1-4 zoning district over existing R6A and R6B districts on the eastern side of Bedford Avenue between North 9th Street and North 10th Street in the Northside section of Williamsburg in Brooklyn Community District 1. The proposed C1-4 overlay extends 100 feet from Bedford Avenue to include Block 2305, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and a portion of Lot 34 (the "Project Area"). The proposed rezoning would facilitate the construction of a new 5-story mixed-use building with approximately 8,759 square feet, including a total of approximately 5,506 square feet of residential space with 7 dwelling units and approximately 3,253 square feet of commercial uses (approximately 3,253 square feet on the ground floor and 1,952 square feet of commercial storage in the cellar level) at 135-137 Bedford Avenue (Block 2305, Lots 5 and 6) (the "Development Site").

2. Background

The Project Area was zoned M1-2 from 1961 to 1973 and commercial use was permitted as-of-right. This changed in 1973 when a zoning map amendment mapped the Special Northside Mixed Use District (CP-22425/6) and mapped an R6/M1-2 district over the proposed Project Area. The Special Northside Mixed Use District, which was extended in 1976, included an area covering approximately 50 blocks near the southern and eastern edges of McCarren Park, and extending roughly to the Brooklyn-Queens Expressway to the east, North 4th Street to the south, and Wythe Avenue to the west. This district was implemented to recognize the mix of uses then in the area. Areas zoned R6/M1-2 (and R6/M1-1) were predominantly residential, and residential development was permitted as-of-right in accordance with R6 district regulations. Certain commercial and manufacturing uses were also permitted as-of-right and a special permit provided for additional non-residential development.

Due to a change in land use patterns in the area, the Department of City Planning ("DCP") initiated the Greenpoint-Williamsburg Rezoning (050111(A) ZMK, effective May 11, 2005). The rezoning replaced the Special Northside Mixed Use District R6(M1-2) designation mapped at the proposed Project Area with an R6B zoning district on the southern half of the block and an R6A zoning district on the northern half of the block. Directly across Bedford Avenue from the Project Area, a C1-4 commercial overlay was mapped along the west side of Bedford Avenue extending from North 4th Street to North 10th Street. To the south of the Project Area, a C1-4 district was mapped along the east side of Bedford Avenue from North 5th Street to North 8th Street.

In 2005, DCP initiated a follow up action to the Greenpoint-Williamsburg Rezoning to add contextual height limits within portions of the rezoning area and to clarify and modify provisions of the zoning text relating to the Inclusionary Housing program, anti-harassment provisions, the waterfront access plan, and sidewalk cafés (N 060170 ZRK, effective March 1, 2006).

In addition to the 2005 Greenpoint-Williamsburg Rezoning, the City Council has approved three private rezoning applications to map commercial overlays in the surrounding area. On November 30, 2009, the City Council approved a zoning map amendment (C 090096 ZMK) that established a C2-4 overlay within an existing R6B district on the southeastern corner of North 7th Street and Berry Street. The purpose of the 100-foot by 100-foot overlay was to facilitate the redevelopment of commercial uses on a historically commercial site located adjacent to zoning districts that permit commercial uses as-of-right. This action was intended to facilitate new commercial uses along Berry Street, which was then a developing commercial corridor within the Northside section of Williamsburg. Similarly, on August 17, 2011, the City Council approved a zoning map amendment (C 080491 ZMK) that established a 100-foot C2-4 commercial overlay within an existing R6B district on the western side of Berry Street between North 7th Street and midway between North 8th Street and North 9th Street. The purpose was to improve retail continuity along Berry Street and to facilitate the restoration of the Teddy's Bar and Grill sidewalk café at 96 Berry Street (Block 2310, Lot 30). Most recently, on January 31, 2018, the City Council approved a zoning map

amendment (C 170024 ZMK) that established a 100-foot deep C1-4 overlay within an existing R6A zoning district on the western side of Bedford Avenue between North 10th and North 11th streets. The purpose of this action was to facilitate the use of the ground floor at 116 Bedford for commercial use and bring five other commercial uses on the ground floors of similar mixed-use buildings on the block into conformance with zoning. The City Planning Commission noted that extending the C1-4 district is consistent with the land use pattern along Bedford Avenue, which is one of Williamsburg's major commercial thoroughfares.

3. Description of the Surrounding Area

The Project Area is located in the Northside section of Williamsburg in Brooklyn Community District 1. The existing land uses in the area immediately surrounding the Project Area are primarily a mix of multi-family residential and commercial uses. Bedford Avenue is the main commercial corridor in the area. It is developed with predominately mixed-use buildings providing an active, continuous ground floor commercial character. Commercial uses in the surrounding area include a range of local retail and services, such as clothing stores, grocery stores, beauty salons, barbershops, and eating and drinking establishments, such as restaurants and bars. McCarren Park, a 35-acre public park operated by the Department of Parks and Recreation, is located two blocks north of the Project Area.

The prevailing built form of the area is a mix of low to mid-rise non-residential buildings and two- to six-story residential buildings. Three- and four-story attached walkup residential buildings are common in the area, many of which contain ground floor commercial uses. The western portion of Block 2305, comprising the proposed Project Area, consists primarily of two- to four-story walk up residential buildings, some containing ground floor commercial uses. The eastern portion of Block 2305, which is not part of the proposed Project Area, is mapped with an M1-2/R6A Special Mixed Use District and consists mostly of three- to five-story mixed-use buildings.

Public transportation is readily accessible near the Project Area including options for Metropolitan Transportation Authority ("MTA") bus and subway service. The Bedford Avenue L subway station is approximately two blocks south on Bedford Avenue and North 7th Street. The Project Area is also served by the B62 bus. Additionally, there are bicycle lanes along Kent Avenue and Wythe Avenue, and there is an East River Ferry landing at North 6th Street.

The existing zoning districts in the area immediately surrounding the Project Area include residential, commercial, and manufacturing designations, including R6A, R6B, C1-4, and MX-8 (M1-2/R7A and M1-2/R6A) zoning districts. The proposed Project Area is within an Inclusionary Housing Designated Area.

R6A

The northern half of the Project Area is within an existing R6A zoning district that is mapped along Bedford Avenue between North 10th Street and North 12th Street. In R6A zoning districts within Inclusionary Housing Designated Areas, the floor area of a zoning lot may not exceed the base FAR of 2.7 pursuant to ZR § 23-154(b) (which can be increased to 3.6 FAR with Inclusionary Housing). R6A zoning districts have a minimum street wall height of 40 feet, a maximum street wall height of 60 feet (increased to 65 feet with Inclusionary Housing), and a maximum building height of 75 feet (increased to 85 feet with Inclusionary Housing). Parking is required for 50 percent of the residential units. The Quality Housing program is mandatory for residential developments.

R6B

The southern half of the Project Area is within an existing R6B zoning district mapped throughout a large portion of the Northside section. Within Inclusionary Housing Designated Areas, the R6B zoning district permits residential uses with a maximum FAR of 2.0 (increased to 2.2 with Inclusionary Housing). R6B zoning districts have a minimum street wall height of 30 feet, a maximum street wall height of 45 feet, and a maximum building height of 55 feet. Parking is required for 50 percent of the residential units. The Quality Housing program is mandatory for residential developments.

C1-4

To the west and south of the Project Area, C1-4 commercial overlays are mapped within the R6A and R6B zoning districts along the west side of Bedford Avenue extending from North 4th Street to North 11th Street and along the east side of Bedford Avenue from North 5th Street to North 8th Street. C1-4 overlays permit the development of Use Group 6 commercial uses with a maximum commercial FAR of 2.0. Commercial uses must be located below residential uses in mixed buildings. The parking requirement for general retail and service uses is one accessory off-street parking space per 1,000 sq. ft. of commercial floor area. A parking waiver is available if the required parking is less than 40 spaces.

MX-8 (M1-2/R7A)

An MX-8 district pairing M1-2 and R7A districts is mapped to the north of the Project Area on Block 2290, bounded by North 12th Street to the north, Driggs Avenue to the east, North 11th Street to the south, and Bedford Avenue to the west. Residential buildings in MX districts with an R7A residential district designation in Inclusionary Housing Designated Areas have a base FAR of 3.45 (increased to 4.6 with Inclusionary Housing), a minimum street wall height of 40 feet, a maximum street wall height of 75 feet, and a maximum building height of 85 feet (increased to 95 feet with Inclusionary Housing). Parking is required for 50 percent of the residential units. The Quality Housing program is mandatory for residential developments. Specified light manufacturing and commercial uses are permitted as of right under M1-2 district regulations, with up to 2.0 FAR of light industrial or commercial use.

MX-8 (M1-2/R6A)

An MX-8 district pairing M1-2 and R6A is mapped generally to the north along North 12th Street extending to the east and west around the R6A district. Residential buildings in MX districts with an R6A residential district designation in Inclusionary Housing Designated Areas have a base FAR of 2.7 (increased to 3.6 with Inclusionary Housing), a minimum street wall height of 40 feet, a maximum street wall height of 60 feet (increased to 65 feet with Inclusionary Housing), and a maximum building height of 75 feet (increased to 85 feet with Inclusionary Housing). Parking is required for 50 percent of the residential units. The Quality Housing program is mandatory for residential developments. Specified light manufacturing and commercial uses are permitted as of right under M1-2 district regulations, with up to 2.0 FAR of light industrial or commercial use.

4. Description of the Proposed Project Area

The proposed Project Area is located on Block 2305, on the eastern side of Bedford Avenue between North 9th Street and North 10th Street. The Project Area extends 100 feet east of Bedford Avenue, and includes tax lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and a portion of Lot 34. The Project Area is 20,000 sq. ft. and has 200 feet of frontage on Bedford Avenue. Three lots fronting on Bedford Avenue are occupied by ground floor commercial use, and both lots fronting on North 9th Street and North 10th Street, respectively, also contain nonconforming commercial uses. The properties within the Project Area are used as follows:

The lot at the corner of North 9th Street and Bedford Avenue, Lot 1 (145 Bedford Avenue) contains a three-story mixed residential and commercial building with three Use Group 2 dwelling units and a Use Group 6 eating and drinking establishment on the ground floor.

Lots 2 and 3 (143 and 141 Bedford Avenue) are each improved with a three-story Use Group 2 multi-family residential building with three dwelling units.

Lot 4 (139 Bedford Avenue) is improved with a three-story Use Group 2 multi-family residential building with two dwelling units.

Lot 5 (137 Bedford Avenue) is improved with a two-story Use Group 2 multi-family residential building with two dwelling units.

Lot 6 (135 Bedford Avenue) is improved with a two-story Use Group 2 single-family dwelling. Lots 5 and 6 are collectively known as the "Development Site".

Lot 7 (133 Bedford Avenue) is improved with a two-story Use Group 2 multi-family residential building with two dwelling units.

Lot 8 (129-131 Bedford Avenue) is improved with two four-story mixed residential and commercial buildings. The ground floor contains retail use and the upper floors consist of seven Use Group 2 dwelling units.

Lot 9 (127 Bedford Avenue) is improved with a four-story building with five Use Group 2 dwelling units on floors two through four and medical offices on the ground floor.

Lot 10 (168 North 10th Street) is improved with a one-story automobile repair establishment.

Lot 34 (167 North 9th Street) is improved with a three-story building with retail stores on the ground floor and ten Use Group 2 dwelling units on floors two and three.

5. Description of the Proposed Development Site

The proposed Development Site at 135-137 Bedford Avenue (Block 2305, Lots 5 & 6) consists of an approximately 3,253 square foot lot with approximately 40 feet, 8 inches of frontage on Bedford Avenue. The Development Site is currently improved with a two-story single-family dwelling on Lot 6 and a two-story two-family dwelling on Lot 5. Both buildings have a height of approximately 26 feet.

6. Description of the Proposed Development

The Applicant proposes to construct a new 5-story plus cellar, approximately 8,759 square foot (2.69 FAR) mixed residential and commercial building at the Development Site. Specifically, the building would consist of 5,205 gross square feet (3,253 square feet on the ground floor and 1,952 square feet in the cellar) of commercial use for two commercial units and 5,253 square feet of residential uses on the second – fifth floors. The proposed building will contain 7 dwelling units. The proposed building height will be 57'-6" in the R6A portion and 39'-6" in the R6B portion of the Development Site. No accessory parking is required or provided at the Development Site.

7. Actions Necessary to Facilitate the Proposal

The action necessary to facilitate the proposed development is the requested zoning map amendment to map a 100-foot C1-4 commercial overlay over the existing R6A and R6B zoning districts on the eastern side of Bedford Avenue between North 9th Street and North 10th Street. The proposed commercial overlay is necessary to bring existing commercial uses into conformance and to facilitate new commercial use within the Project Area, which is not permitted under the use provisions in the existing residential zoning districts.

The proposed C1-4 zoning district is consistent with the existing C1-4 commercial overlays mapped along the west side of Bedford Avenue extending from North 4th Street to North 11th Street and along the east side of Bedford Avenue from North 5th Street to North 8th Street. Extending the existing C1-4 overlay to include the Project Area will improve retail continuity along Bedford Avenue. The proposed zoning map amendment is also consistent with the City's policy goals as articulated by the City Planning Commission in the 2005 Greenpoint-Williamsburg Rezoning report. The report acknowledges Bedford Avenue's commercial significance stating:

> *C1-4 commercial overlay districts would be established along Bedford Avenue between North 4th and North 10th Streets, the commercial strip around which the neighborhood is centered. This area consists primarily of residential buildings with ground-floor retail establishments. … C1-4 and C2-4 commercial overlay districts are proposed on the existing and emerging retail corridors of the neighborhood. The Commission supports the proposed commercial overlays, which would support the continued development of primary and secondary retail corridors to serve existing and future residents.*

The proposed action will similarly serve the City's goal to facilitate appropriate commercial development on Bedford Avenue. The proposed C1-4 zoning district will bring existing commercial uses into conformance, while ensuring that any new development on this portion of Bedford Avenue is consistent with the mixed-use character of the corridor. The proposed development will create new opportunities for new local businesses to serve the surrounding community.

8. Conclusion

The Applicant proposes a zoning map amendment to map a C1-4 commercial overlay over existing R6A and R6B zoning districts in the Northside section of Williamsburg in Brooklyn Community District 1. The proposed C1-4 overlay would extend 100 feet east from Bedford Avenue between North 9th Street and North 10th Street. The proposed C1-4 commercial overlay is consistent with the C1-4 overlays currently mapped along the west side of Bedford Avenue from North 4th Street to North 11th Street and along the east side of Bedford Avenue from North 5th Street to North 8th Street. This action will also facilitate commercial development at the ground floor of the Development Site, which will enhance the mixed character of the Bedford Avenue corridor. The proposed action will not alter currently permitted densities or significantly modify currently permitted uses, but instead will bring local commercial uses into conformance with zoning and permit new development in line with existing patterns in the area.